REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 31, 2003. Claims 1-49 are pending in the present application. The Examiner rejects Claims 1-49. For the reasons set forth below, Applicants respectfully disagree with these rejections.

Rejections Under §103

The Examiner rejects Claims 1, 4-11, 14-23, 26-31, 34-40, 42-43, and 46-49 under 35 U.S.C. §103(a) as being obvious over U.S. Patent 6,259,701 issued to Shur, et al. ("*Shur*"). In addition, the Examiner rejects Claims 2, 12, 24, 32, and 44 under 35 U.S.C. §103(a) as being obvious over *Shur* in view of U.S. Patent 6,477,169 issued to Angle, et al. ("*Angle*"). Furthermore, the Examiner rejects Claims 3, 13, 25, 33, 41, and 45 under 35 U.S.C. §103(a) as being obvious over *Shur* in view of U.S. Patent 5,963,547 issued to O'Neil, et al. ("*O'Neil*").

Shur discloses a multicast-unicast server (MUS) positioned between a multicast network and a unicast network. (*Shur*, Abstract). The server contains information regarding what sessions are available on the multicast network and makes that information available to the unicast network. (*Shur*, Abstract). The MUS acts as a gateway between the multicast network and the unicast network to enable unicast clients to access the multicast network. (*Shur*, Col. 3; Lines 32-36). The MUS is able to convert the address of the multicast data packets to the address of a unicast client to receive those packets. (*Shur*, Col. 3; Lines 42-45). The MUS transmits packets from the unicast client to the multicast group address to enable the multicast network to receive unicast packets. (*Shur*, Col. 3; Lines 45-54).

Claim 1, as amended, of the present application recites the following:

> A method for enabling a multicast telecommunication session, comprising:
> generating a virtual multicast intermediary;
> receiving multicast media streaming sent to a multicast group address at the virtual multicast intermediary; and
> communicating the media streaming to a unicast telephony device to enable the unicast telephony device to participate in a multicast telecommunication session.

Claims 8, 11, 15, 21, 23, and 43, as amended, recite similar, although not identical, limitations.

Claims 1, 8, 11, 15, 21, 23, 31, and 43 are Allowable over *Shur*

Shur fails to disclose a virtual multicast intermediary, let alone *generating* a virtual multicast intermediary, as recited in Claim 1 (as amended). *Shur* discloses a multicast-unicast server (MUS) (FIGURE 1, element 120 and FIGURE 2, element 201). However, this server, while potentially acting as an intermediary, is a physical device and not a *virtual* multicast intermediary. In addition, as the MUS is a physical device, rather than a virtual intermediary, *Shur* fails to disclose *generating* a virtual multicast intermediary.

Claim 8 recites a multicast intermediary "generated in response to determining that the unicast telephony device is incapable of receiving multicast media streaming." Claims 11, 15, 21, 23, 31, and 43 (as amended) recite similar, although not identical, limitations. *Shur* fails to disclose generating a virtual multicast intermediary, let alone that a virtual multicast intermediary is generated *in response to a determination that a unicast telephony device is incapable of receiving multicast media streaming*.

For at least these reasons, Applicants believe that Claims 1, 11, 21, 31, and 43 are allowable over the cited reference. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 11, 21, 31, and 43 and all claims that depend from those claims, including dependent Claims 8, 15, and 23.

Claims 5, 35, 46 are Allowable over *Shur*

Claim 5 recites, in part, "associating a first logical port of the multicast intermediary with the unicast telephony device" and "modifying source address information in the received multicast media streaming to specify a second logical port of the multicast intermediary associated with the multicast group address." Claims 35 and 46 recite similar, although not identical, limitations. The Examiner states that these elements are disclosed in *Shur*. (Office Action mailed 3/31/03, page 3, ¶3). However, *Shur* fails to disclose *specifying a second logical port of the multicast intermediary associated with the multicast group address*. At most, *Shur* implies that a port on its MUS can be linked to an IP address of a unicast device. (*Shur*, Col. 7; Lines 63-66).

For at least this additional reason, Applicants believe that Claims 5, 35, and 46 are allowable over the cited reference. Therefore, Applicants respectfully request reconsideration and allowance of Claims 5, 35, and 46 and all claims that depend from those claims, including dependent Claims 6-7, 36-37, and 47-49.

Claim 40 is Allowable over *Shur*

Claim 40 recites, in part, "a call manager operable to establish a communication session with one or more of the multicast telephony devices." The Examiner states that *Shur* discloses a call manager in the form of an HTTP server (Office Action mailed 3/31/03, citing *Shur*, FIGURE 2, element 206). Not only does *Shur* fail to disclose telephony devices, as discussed above with respect to Claim 1, the reference fails to disclose a call manager. The *Shur* HTTP server presents session information to a client listing which multicast sessions are currently in use and allows a client to select which session to join. (*Shur*, Col. 4; Lines 5-15 and Lines 57-63), rather than manage *calls* or establish communication with *telephony* devices.

For at least this additional reason, Applicants believe that Claim 40 is allowable over the cited reference. Therefore, Applicants respectfully request reconsideration and allowance of Claim 40 and all claims that depend from Claim 40.

Claims 10, 20, 30, 39, and 42 are Allowable over *Shur*

Claim 10 recites receiving multicast media streaming sent to a multicast group address comprising "receiving multicast media directed to the unicast telephony device when it is placed on hold." Claims 20, 30 and 39 recite similar, although not identical, limitations. Claim 42 recites transmitting "multicast media streaming to a multicast telephony device when the multicast telephony device is placed on hold." The Examiner states that requiring a unicast device to be placed on hold is disclosed in *Shur*. (Office Action mailed 3/31/03, citing *Shur*, FIGURE 4, steps 407 and 409). In *Shur*, steps 407 and 409 of FIGURE 4 are related to the actions taken when a client wishes to join a conference session. For example, at step 407 a client may browse a web page containing information about the available sessions the client may join. Then, at step 409, the client selects a session to join by "pressing" a button on the web page associated with the session to join. A response is then sent to the client containing information on which multimedia tool must be launched by the client in order to participate in

the session. (*Shur*, Col. 4; Lines 57-66). However, *Shur* does not disclose placing unicast or multicast devices *on hold*, let alone that multicast media is received at the multicast group address or the multicast device itself when the unicast or multicast device is placed on hold.

For at least this additional reason, Applicants believe that Claims 10, 20, 30, 39, and 42 are allowable over the cited reference. Therefore, Applicants respectfully request reconsideration and allowance of Claims 10, 20, 30, 39, and 42.

Claims 2, 12, 24, 32, and 44 are Allowable Over *Shur* in view of *Angle*

Claim 2, as amended, recites "sorting the multicast media streaming sent to the multicast group address from an originating telephony device," wherein the sorting is based on the original telephony device that sent the data packets included in the virtual multicast media stream and wherein the sorting occurs at the multicast intermediary. Claims 12, 24, 32, and 44 recite similar, although not identical, limitations.

With respect to Claims 2, 12, 24, 32, and 44, the Examiner recognizes that *Shur* fails to teach sorting the media at the multicast intermediary. (Office Action mailed 3/31/03, page 6, ¶3). The Examiner also states that *Angle* discloses sorting multicast data to provide a schedule. (Office Action mailed 3/31/03, page 6, ¶3, citing *Angle*, Col. 2; Lines 20-33). However, the *scheduling* accomplished by the *Angle* invention is not equivalent to the *sorting* of the present application. *Angle* schedules both multicast and unicast data transmissions based on the priority of a particular class of service, as well as scheduling transmissions based on priorities within each class. (*Angle*, Col. 7; Lines 58-60 and Col. 11; Lines 19-21). In contrast, the present application *sorts* the multicast media at the virtual multicast intermediary based on the original source of data packets included in the multicast media stream.

For at least this additional reason, Applicants believe that Claims 2, 12, 24, 32, and 44 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 2, 12, 24, 32, and 44.

Claims 3, 13, 25, 33, 41, and 45 are Allowable Over *Shur* in view of *O'Neil*

Claim 3 recites "mixing the multicast media streaming sent from different telephony devices to the multicast group address at the multicast intermediary." Claims 13, 25, 33, and 45 recite similar, although not identical, limitations. Claim 41 recites that "each multicast

telephony device receives and sums multicast media streaming from the other multicast telephony devices." The Examiner concedes that *Shur* does not teach mixing or summing the media at the intermediary. (Office Action mailed 3/31/03, page 7, ¶4). However, the Examiner states that *O'Neil* teaches mixing multicast data in order to produce a broadcast audio mix. (Office Action mailed 3/31/03, page 7, ¶4, citing *O'Neil*, Col. 4; Lines 4+). *O'Neil* does not teach mixing *multicast* media streaming sent from different telephony devices to the multicast group address, as recited in Claim 3, and similarly, although not identically, in claims 13, 25, 33, 41, and 45. Rather, O' Neil discloses that the individual <u>unicast</u> transmissions are mixed to form a <u>multicast</u> transmission, which is then transmitted to the endpoints in a conference. (*O'Neil*, Col. 4; Lines 1-15).

For at least this additional reason, Applicants believe that Claims 3, 13, 25, 33, 41, and 45 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 3, 13, 25, 33, 41, and 45.

CONCLUSION

Applicants have made an earnest attempt to place this application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

BAKER BOTTS, L.L.P.
Attorneys for Applicants

Brian W. Oaks
Reg. No. 44,981

Correspondence Address:
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6986

Date: _6/27/03_